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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/729,523	12/04/2000	Kinney Bacon	A-6237	4555

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EXAMINER

SHERKAT, AREZOO

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 03/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/729,523	Applicant(s) BACON ET AL.	
	Examiner Arezoo Sherkat	Art Unit 2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 9-20, 22, 23 and 28-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 9-20, 22, 23 and 28-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on Jan. 27, 2006 has been entered.

Response to Amendment

This office action is responsive to Applicant's amendment received on Jan. 27, 2006. Claims 1, 9, 11, 14, 18, 22, 28, and 30 are amended. Claims 5-8, 21, and 24-27 are cancelled. Claims 1-4, 9-20, 22-23, and 28-30 are pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 9-20, 22-23, 28-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Chaney, (U.S. Patent No. 6,035,037).

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Regarding claims 1-4, 9-13, 15, and 18-19, Chaney discloses in a system with a plurality of Moving Picture Experts Group type 2 (MPEG-2) standard transport stream and a host terminal, a method of designating to an external conditional access module a source of at least one packet of a first MPEG-2 transport stream with a multiplexed signal including the at least one packet of the first MPEG-2 transport stream (Col. 6, lines 17-23), the method comprising the steps of:

assigning to the source device of the first MPEG-2 transport stream a unique designator (i.e., tuner 100, FEC 110 and transport unit 120 tune the signal from 1 transponder and produce signal TRO1 that includes one of the signal components needed to produce the multi-image display. Tuner 101, FEC 111 and transport unit 121 tune a signal from a second transponder and produce signal TRO2 that includes a second one of the required signal components)(Col. 5, lines 1-30 and Col. 15, lines 65-67 and Col. 16, lines 1-37);

assigning to the source program of the first MPEG-2 transport stream, a program identification number, creating a transport stream source indicator signal that includes the unique designator associated with the at least one packet of the first MPEG-2 transport stream (Col. 5, lines 1-30 and Col. 8, lines 41-67 and Col. 9-10, lines 1-67);

multiplexing the at least one packet of the first MPEG-2 transport stream with packets from at least a portion of a second MPBG-2 transport stream to create the multiplexed signal, and transmitting to the external conditional access module the transport stream source indicator signal in conjunction with the multiplexed signal, wherein transmission of the transport stream source indicator signal, by the unique

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designator, indicates the source device of the at least one packet as the source device of the first MPEG-2 transport stream (Col. 15, lines 4-65).

Regarding claims 14, 16-17, 20, 22-23, and 30, Chaney discloses an external conditional access module comprising:

a host terminal interface configured to receive from a host terminal an incoming multiplexed signal comprising at least one packetized data stream that includes a unique source address that indicates a source device of a data packet inside the at least one packetized data stream (Col. 5, lines 1-30 and Col. 15, lines 65-67 and Col. 16, lines 1-37), and a program identification number that indicates a source program of a data packet inside the at least one packetized data stream (Col. 5, lines 1-30 and Col. 8, lines 41-67 and Col. 9-10, lines 1-67);

a de-multiplexer configured for de-multiplexing the incoming multiplexed signal into data packets associated with the at least one packetized data stream based on the unique source address associated with each data packet (Col. 14, lines 61-67 and Col. 15-16, lines 1-67), a controller (i.e., microcontroller 160) configured for determining if decryption is allowed for the data packet associated with the at least one packetized data stream and for controlling decryption parameters (Col. 4, lines 33-50), and a decryptor configured for decrypting, if decryption is allowed, the data packet associated with the at least one packetized data stream using decryption parameters for the at least one packetized data stream (Col. 11, lines 17-67 and Col. 12, lines 1-51).

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Regarding claims 28-29, Chaney discloses a point-of-deployment (POD) module comprising:

a host terminal interface configured to receive from a host terminal, a multiplexed signal comprising a first encrypted signal together with a first transport stream source indicator signal (TSSIS) and a program identification number (Col. 5, lines 1-30 and Col. 15, lines 65-67 and Col. 16, lines 1-37);

a demultiplexer configured to use the first TSSIS to identify the first encrypted signal in the multiplexed signal (Col. 14, lines 61-67 and Col. 15-16, lines 1-67), a controller (i.e., microcontroller 160) configured to generate a first decryption instruction upon receiving authorization through a first authorization grant signal (Col. 4, lines 33-50), and a first decryptor configured to receive from the demultiplexer, the first encrypted signal, and decrypt the first encrypted signal conditional to receiving the first decryption instruction, wherein the first TSSIS indicates the source device for the first transport stream (Col. 11, lines 17-67 and Col. 12, lines 1-51).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 10, 12, 15, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chaney, (U.S. Patent No. 6,035,037), in view of Hurst, Jr. (U.S. Patent No. 6,985,188 and Hurst hereinafter).

Regarding claims 2, 10, 12, 15, and 19, Chaney does not expressly disclose the format of the packetized data stream.

However, Hurst discloses wherein the packetized data stream is in a format compliant with at least one of Moving Picture Expert Group type 2 (MPEG-2) standard (Col. 5, lines 19-67 and Col. 6. lines 1-64).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify teachings of Chaney with teachings of Hurst because it would allow to expressly include the Moving Picture Expert Group type 2 (MPEG-2) packetized data stream as disclosed by Hurst. This modification would have been obvious because one of ordinary skill in the art would have been motivated by the suggestion of Hurst to provide an MPEG compatible Video Buffering Verifier (VBV) that reduces the delay involved in channel changes and minimizes any associated user objectionable viewing interruption (Hurst, Col. 2, lines 1-25).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arezoo Sherkat whose telephone number is (571) 272-3796. The examiner can normally be reached on 8:00-4:30 Monday-Friday.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Arezoo Sherkat
Patent Examiner
Group 2131
Feb. 24, 2006



CHRISTOPHER REVAK
PRIMARY EXAMINER
2/25/06